

REMARKS

This Amendment is in response to the non-Final Office Action mailed May 6, 2011.

In the Office Action, the Examiner denied Applicant's priority claim to provisional patent application 60/496518 because the provisional does not include any common inventors with the instant application. The inventorship of provisional application 60/496518 has been corrected to add inventor Bret Schundler, who is also the inventor of the instant application. The provisional and instant application now correctly share common inventor Bret Schundler, therefore, Applicant again claims benefit of provisional patent application 60/496518 filed August 30, 2003.

Applicant notes that inventor Bret Schundler's first name was misspelled as "Brett" on the instant application and the Application Data Sheet ("ADS") as initially filed, but spelled correctly on the Declaration. Applicant herein corrects the spelling of inventor Bret Schundler's first name on a corrected Application Data Sheet, submitted herewith and submits a request for a corrected Filing Receipt.

Also in the Office Action, the Examiner rejected claims 1-21 under 35 U.S.C. 102(e) as anticipated by US Patent Application Publication Serial No. 2004/0109557 to *Lenard*. Applicant notes that *Lenard* was filed on December 4, 2002.

Applicant herein submits an affidavit under 37 C.F.R. § 1.131 and its attachments, Exhibits A and B, unequivocally declaring that the present invention as claimed was actually reduced to practice prior to *Lenard*'s filing date of December 4, 2002, and that the invention was continuously in use beginning prior to December 4, 2002 and continuing through August 20, 2003, the date of filing of provisional application 60/496,518, which provides the priority date of the instant application 10/595,111. Thus, *Lenard* is not available as a prior art reference, and any rejections based on *Lenard* must be withdrawn.

In particular, Applicant notes that the claimed communications management method, claimed distributed call center system, and claimed distributed call center apparatus, together with each claimed element thereof, were reduced to practice prior to *Lenard's* filing date of December 4, 2002, and that evidence of this is provided by the Declaration of Bret Schundler and Exhibits A and B attached thereto.

Also in the Office Action, claims 6, 13 and 19 were rejected under 35 U.S.C. § 103(a) as obvious over *Lenard* in view of US Patent No. 7,092,509 to *Mears, et al.* Again, Applicant notes that *Lenard* is no longer available as a prior art reference, thus any claim rejections based even in part on *Lenard* should be withdrawn.

In view of the above remarks, and particularly with the removal of *Lenard* as prior art, this application is now believed to be in condition for immediate allowance. Reconsideration is, therefore, respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application that need to be resolved.

Finally, attached hereto is a petition for a three-month extension of time and appropriate fees. If any additional fees are due, please charge our Deposit Account No. 50-1943, under Order No. 074825.00003 from which the undersigned is authorized to draw.

Dated: November 7, 2011

Respectfully submitted,

/Perry M. Fonseca/

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